



MISSOURI/KANSAS CHAPTER
OF
THE AMERICAN IMMIGRATION LAWYERS ASSOCIATION

February 15, 2012

Chairman Pete Brungardt
Kansas Senate
Committee on Federal and State Affairs
300 SW 10th Avenue
Topeka, Kansas 66612

Re: Written Testimony Regarding Senate Bill 399 and Related Issues

Dear Chairman Brungardt:

This testimony is provided to you on behalf of the Missouri/Kansas Chapter of the American Immigration Lawyers Association. AILA is a nationwide bar association of over 11,000 lawyers who are involved with various aspects of immigration law. The Missouri/Kansas Chapter includes more than 160 members in both states who represent U.S. citizens who sponsor foreign family members, U.S. businesses that employ foreign workers, foreign nationals and legal residents faced with deportation, and individuals seeking refuge under U.S. asylum laws, among others. Additional information about AILA and the work we do is available at www.aila.org.

In the continued absence of federal legislation to address our country's complex immigration problems, Senate Bill 399 presents a creative, practical concept - a partnership between the Federal and State government to provide work authorization for undocumented immigrants who are residing in the state of Kansas. Under the bill, undocumented immigrants can be "sponsored" by an employer in a labor shortage industry/area. There are wage protections for the workers, the employers will be able to obtain legal workers, the state will obtain taxes and fees, and communities will be able to participate and receive grants for assimilation/English classes and counseling.

This proposal is consistent with existing federal authority to grant temporary legal status and work authorization, at its discretion. Additionally, it dovetails with the national effort undertaken by the U.S. Department of Homeland Security ("DHS") in implementing prosecutorial discretion. Proposals like Senate Bill 399 could help enhance the goals of DHS to focus its limited resources on removing individuals who are a higher enforcement priority and to target other areas of enforcement falling under the broad purview of the DHS.

Measures like Senate Bill 399 can also help engender better community relations with local law enforcement. Greater trust in local law enforcement by immigrant communities will contribute to greater safety throughout entire communities.

Senate Bill 399 represents a positive direction and stands in stark contrast to ill-conceived and ill-advised "enforcement-only" laws in other states. Kansas has an opportunity to discuss and pursue a new path that will benefit the state's economy, its critical labor-intensive industries, and aid in keeping food prices manageable for working families.

In contrast, legislatures in Alabama, Georgia and Arizona have saddled their local levels of government and state agencies with massive, unworkable, unfunded, legal mandates. These mandates have taken their toll on state economies and communities. In Georgia, studies have documented losses in agriculture of up to \$800 million.ⁱ The agricultural industries in Arizona and Alabama have also been hard hit since the implementation of their new laws.ⁱⁱ

The Missouri/Kansas Chapter of AILA supports the concept of the state government leveraging the federal government's ability to prioritize its allocation of limited resources for the greatest benefit, while benefiting the state's economy. The principles presented in this bill demonstrate that there are potential frameworks to address the dire shortcomings in our country's immigration system, on an interim basis, until Congress does its job and develops a comprehensive solution.

Thank you for your time and consideration.

Sincerely,

Kenneth K. Schmitt
Chapter Chair
MO/KAN Chapter of AILA

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ⁱ *Atlanta Journal Constitution*, "Farm labor shortages may cost Georgia economy \$391 million, Oct. 2011; Center for American Progress, "How Georgia's anti-immigration law could hurt the state's (and the nation's) economy," Oct. 2011.

ⁱⁱ Univ. of Alabama, "A cost-benefit analysis of the new Alabama immigration law, Jan. 2012; *Deseret News*, "Arizonans highlight economic cost of tough immigration law," Feb. 2011.